

Message Text

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ACTION EB-07

INFO OCT-01 AF-06 ARA-06 EA-06 EUR-12 NEA-10 IO-10 ISO-00

FEA-01 AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 FRB-03

H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01

AID-05 CIEP-01 SS-15 STR-04 TAR-01 TRSE-00 PRS-01

SP-02 OMB-01 NSCE-00 SSO-00 USIE-00 INRE-00 XMB-02

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FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC IMMEDIATE 9252

INFO AMEMBASSY BUCHAREST

AMEMBASSY WARSAW

USMISSION GENEVA IMMEDIATE

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E.O. 11652: ADS: DECLASSIFY JANUARY 1, 1977

TAGS: ETRD, GATT, EEC, RO

SUBJECT: GATT AND ROMANIAN TARIFF

REF: A) STATE 155061; B) GENEVA 5411

1. ON JULY 10 WE DISCUSSED THE SITUATION REGARDING THE ROMANIAN TARIFF WITH KLEIN, THE EC COMMISSION'S DIRECTOR FOR RELATIONS WITH EASTERN EUROPEAN COUNTRIES, TAKING THE LINE GIVEN IN PARA 4 OF REFTEL A. KLEIN AGREED WITH THIS LINE, BUT FOUND THE FORMULATION PROPOSED IN PARA 5 OF REFTEL A INCONSISTENT WITH THAT LINE AND NOT ENTIRELY ACCEPTABLE. HIS JUDGEMENT ON THESE COUNTS WAS REINFORCED BY A TELEPHONE CONVERSATION WITH LUYTEN, THE COMMISSION'S HEAD OF DELEGATION IN GENEVA.

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2. KLEIN FELT THAT THE FIRST PARAGRAPH OF THE FORMULATION

WAS INJUDICIOUSLY PHRASED. HE FELT THAT THE REFERENCE TO THE "LAWS, REGULATIONS AND PROCEDURES GOVERNING" THE APPLICATION OF THE ROMANIAN TARIFF COULD PROVIDE THE ROMANIANS WITH A BASIS FOR SAYING THAT THE GATT AGREED WITH THE STATEMENT IN THE ROMANIAN LAW ON EXTERNAL TRADE THAT EACH ENTERPRISE IS FREE TO CHOOSE BETWEEN PRODUCTS. HIS PROBLEM WITH THIS PARAGRAPH WOULD BE SOLVED BY DELETION OF THE PARENTHETICAL PHRASE BEGINNING WITH "I.E." AND ENDING WITH APPLICATION".

3. HE ALSO FELT THAT THE SECOND PARAGRAPH WAS DANGEROUS IN THAT IT COULD BE INTERPRETED BY THE ROMANIANS AS SAYING THAT THE CONTRACTING PARTIES DID NOT CARE WHETHER THE ROMANIAN TARIFFS WERE EFFECTIVE OR NOT SO LONG AS ROMANIA MAINTAINED ITS IMPORT COMMITMENTS. HE FELT IN FACT THAT THE ROMANIANS MIGHT FURTHER INTERPRET THIS PARAGRAPH AS MEANING THAT SO LONG AS THE IMPORT COMMITMENTS WERE MAINTAINED, THEIR TARIFF COULD BE A BASIS FOR NEGOTIATION IN THE MTNS. HE WOULD PROPOSE TO REPLACE THE LAST SENTENCE OF THIS PARAGRAPH WITH THE FOLLOWING TWO SENTENCES: "AT THIS STAGE THE WORKING PARTY WAS NOT ABLE TO DETERMINE THE DEGREE OF EFFECTIVENESS OF THE ROMANIAN TARIFF IN THE ECONOMIC SYSTEM OF THAT COUNTRY. THE WORKING PARTY WAS SATISFIED TO BE INFORMED THAT THE ROMANIAN GOVERNMENT HAD THE INTENTION TO MAINTAIN ITS COMMITMENT UNDER PARAGRAPH 1 OF ANNEX B OF ITS PROTOCOL OF ACCESSION."

4. WE TOLD KLEIN THAT WE WOULD IMMEDIATELY CONVEY HIS PROPOSED CHANGES TO WASHINGTON.

5. OUR CONVERSATION WITH KLEIN TOOK PLACE EARLY ON JULY 10 AND THIS MESSAGE WAS DRAFTED BEFORE RECEIPT OF REF. WE JUDGE THAT THE NEXT STEP IS FOR WASHINGTON TO CONSIDER KLEIN'S PROPOSALS AND THEN GET BACK TO THE COMMISSION EITHER IN GENEVA OR IN BRUSSELS. MYERSON

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